

P A T E N T

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re: Daniel Baertschi et al. Confirmation No.: 5005
Serial No.: 10/594,610 Examiner: Jill E. Culler
Filing Date: September 28, 2006 Group Art Unit: 2854
Docket No.: 1322.1130101 Customer No.: 28075
For: INK FOUNTAIN FOR A PRINTING MACHINE

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

CERTIFICATE FOR ELECTRONIC TRANSMISSION:

The undersigned hereby certifies that this paper or papers, as described herein, are being electronically transmitted to the U.S. Patent and Trademark Office on this 3rd day of August 2010.

By Kathleen L. Boekley
Kathleen L. Boekley

Dear Sir:

Pursuant to 37 C.F.R. § 41.37, Appellants hereby submit this Appeal Brief in furtherance of the Notice of Appeal filed on May 3, 2010 and of the Notice of Panel Decision from Pre-Appeal Review dated June 3, 2010. Applicants authorize the fee prescribed by 37 C.F.R. § 41.20(b)(2) in the amount of \$510.00 to be charged to Deposit Account No. 50-0413. Permission is hereby granted to charge or credit Deposit Account No. 50-0413 for any errors in fee calculation.

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I. REAL PARTY IN INTEREST

The real party in interest is the assignee of record, KBA-Giori S.A., a corporation having a business address of Avenue du Grey 55, P.O. Box 347, 1000 Lausanne 22, Switzerland. An assignment from the inventors, Daniel Baertschi, Gabriel Hermann, Giovanni Bentivoglio and Gaetano Bollettin, conveying all right, title and interest in the invention to KBA-Giori S.A. has been recorded at Reel 018529, Frame 0742.

II. RELATED APPEALS AND INTERFERENCES

There are no other known appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in this appeal.

III. STATUS OF CLAIMS

Claims 1-15 are cancelled, and claims 16-23 are pending in the application.

Claims 16-17 and 21 stand finally rejected under 35 U.S.C. §103(a) as being unpatentable over Cartellieri, U.S. Patent No. 6,655,280 in view of Blackwell, U.S. Patent No. 5,778,785.

Claims 18-20 stand finally rejected under 35 U.S.C. §103(a) as being unpatentable over Cartellieri in view of Blackwell as applied to claims 16-17 and 21 above and further in view of Fischer, U.S. Patent No. 5,662,043.

Claim 22 stands finally rejected under 35 U.S.C. §103(a) as being unpatentable over Cartellieri in view of Blackwell as applied to claims 16-17 and 21 above and further in view of Moetteli, U.S. Patent No. 4,773,327.

Claim 23 stands finally rejected under 35 U.S.C. §103(a) as being unpatentable over Cartellieri in view of Blackwell and Moetelli.

Claims 16-23 of the application are currently being appealed

IV. STATUS OF AMENDMENTS

No amendments subsequent to the last Final Office Action, that of February 1, 2010, have been introduced.

V. SUMMARY OF CLAIMED SUBJECT MATTER¹

The invention relates generally to an ink fountain with a blade support, wherein said blade support comprises several adjacent sections moveable by setting means to vary the distance between said sections and the circumference of an ink fountain cylinder. See abstract.

Turning now to independent claim 16, which recites an ink fountain for a printing machine, having a base with a blade holder (pg. 4, l. 23, Fig. 1, reference numeral 1), in which said blade holder comprises a number of adjacent sectors (pg. 4, l. 16, Fig. 1, reference numeral 2) which can be moved by adjusting means in order to vary the distance between said sectors and the circumference of an ink fountain roller (pg. 4, l. 17 (not shown)), said ink fountain additionally comprising a blade (pg. 5, l. 7, Fig 2, reference numeral 11) which is interposed between said sectors and the circumference of the ink fountain roller and which has a continuous edge (pg. 5, ll. 11-13) intended to maintain a defined ink thickness on the ink fountain roller, the ink thickness being adjusted by said continuous edge of the blade and defined by the position of said sectors (pg. 5, ll. 17-19), which is transmitted to said blade, wherein said blade rests along a plane thereof directly on a surface of said sectors and is held fixedly with respect to said blade

¹ The references to the specification and drawings provided herein are exemplary, and are not deemed to be limiting.

holder (pg. 5, ll. 6-9) and includes a ceramic deposit to reinforce said continuous edge of the blade (pg. 7, ll. 14-18).

Independent claim 23 recites an ink fountain for a printing machine, having a base with a blade holder(pg. 4, l. 23, Fig. 1, reference numeral 1), in which said blade holder comprises a number of adjacent sectors (pg. 4, l. 16, Fig. 1, reference numeral 2) which can be moved by adjusting means in order to vary the distance between said sectors and the circumference of an ink fountain roller(pg. 4, l. 17 (not shown)), said ink fountain additionally comprising a blade (pg. 5, l. 7, Fig 2, reference numeral 11) which is interposed between said sectors and the circumference of the ink fountain roller and which has a continuous edge (pg. 5, ll. 11-13) intended to maintain a defined ink thickness on the ink fountain roller, the ink thickness being adjusted by said continuous edge of the blade and defined by the position of said sectors (pg. 5, ll. 17-19), which is transmitted to said blade, wherein said blade rests along a plane thereof directly on a surface of said sectors and is held fixedly with respect to said blade holder (pg. 5, ll. 6-9) and includes a ceramic deposit to reinforce said continuous edge of the blade(pg. 7, ll. 14-18), in which a deformable plastic is deposited between the sectors to improve the sealing between them (pg. 5, ll. 29-31).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 16-17 and 21 are patentable under 35 U.S.C. § 103(a) over Cartellieri, U.S. Patent No. 6,655,280 in view of Blackwell, U.S. Patent No. 5,778,785; whether claims 18-20 are patentable under 35 U.S.C. §103(a) over Cartellieri in view of Blackwell as applied to claims 16-17 and 21 above and further in view of Fischer, U.S. Patent No. 5,662,043; whether claim 22 is patentable under 35 U.S.C. §103(a) over Cartellieri in view of Blackwell as applied

to claims 16-17 and 21 above and further in view of Moetteli, U.S. Patent No. 4,773,327; and whether claim 23 is patentable under 35 U.S.C. §103(a) over Cartellieri in view of Blackwell and Moetelli.

VII. ARGUMENT

A. Claims 16-17 and 21 are patentable under 35 U.S.C. §103(a) over Cartellieri, U.S. Patent No. 6,655,280 in view of Blackwell, U.S. Patent No. 5,778,785; claims 18-20 are patentable under 35 U.S.C. §103(a) over Cartellieri in view of Blackwell as applied to claims 16-17 and 21 above and further in view of Fischer, U.S. Patent No. 5,662,043; claim 22 is patentable under 35 U.S.C. §103(a) over Cartellieri in view of Blackwell as applied to claims 16-17 and 21 above and further in view of Moetteli, U.S. Patent No. 4,773,327; and claim 23 is patentable under 35 U.S.C. §103(a) over Cartellieri in view of Blackwell and Moetelli.

All words in a claim must be considered in judging the patentability of that claim against the prior art.

"All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). Independent claim 16 recites "said ink fountain additionally comprising a blade which is interposed between said sectors and the circumference of the ink fountain roller." In the Fianal Office Action, elements 11-13 (Fig. 3, reproduced below) are said to correspond to said sectors, element 3 corresponds to the blade and element 1 corresponds to the roller blade. As is evident from Figures 3 and 4, and from the text of the specification, blade 3 of Cartellieri is not interposed between sectors 11-13 and screen roller 1. Cartellieri teaches that "metering elements 11, 12 and 13 are arranged very close to a wiping edge of the working doctor blade 3, which bears on the screen roller 1, and projects from the inside of the working doctor blade 3." Column 4, lines 10-14.

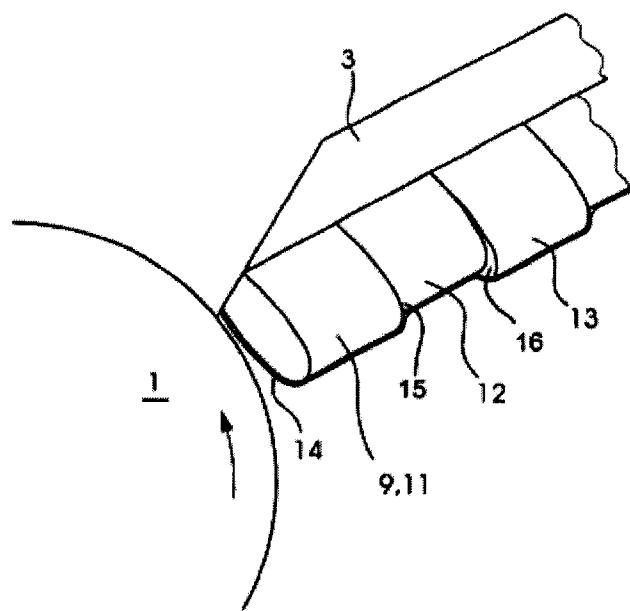


Fig.3

Cartellieri also teaches that “the metering elements 11, 12, 13, together with the circumferential surface 18, determin[e] different gap widths.” Column 4, lines 50-52. The circumferential surface is a circumferential surface of the screen roller 1. See column 4, lines 27-28.

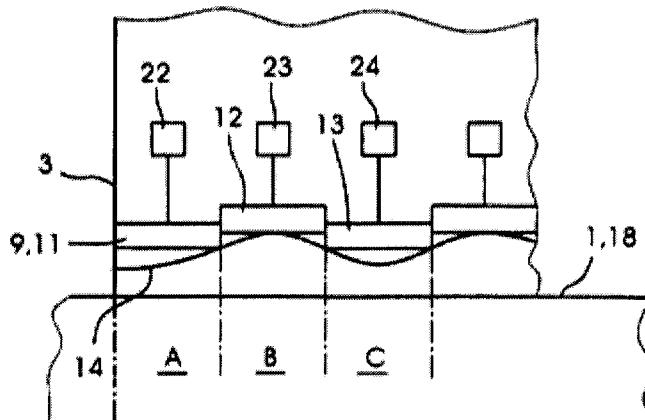


Fig.4

See generally column 2, line 64 through column 4, line 55 of Cartellieri. Figures 3 and 4 show and the corresponding portions of the specification teach that the metering elements 11, 12 and 13 are to one side of blade 3 and that the blade 3 is not interposed between the metering elements 11, 12 and 13 and the ink roller 1. To the contrary, Cartellieri teaches that if anything (besides

ink) is interposed between the metering elements and the ink roller, the ink metering system of Cartellieri could not function.

Therefore, Cartellieri does not teach an ink fountain as claimed. Moreover, Appellants have not found, nor has the Examiner asserted that any element of Blackwell corresponds to a blade holder that comprises a number of adjacent, adjustable sectors as claimed. Therefore, the cited art, singly or in combination, does not teach or suggest all the features of the claimed invention. When all the words in claim 16 are considered when judging the patentability of that claim against the cited art, it can be seen that that claim 16 is patentable over the cited art.

Further, Blackwell specifically provides that a hard-material coating (12), preferably a ceramic coating, is applied to the top (2) of the ink fountain blade (1) and “is located on the chamfer 5 and from there extends over part of the length of the individual blades 10.” Column 3, lines 62-64. This is illustrated by Figures 3 and 4 of Blackwell.

In other words, Blackwell specifically and only provides that the ceramic coating be formed and deposited directly on top of the individual blades, or sectors, (10), so as to form individual deposits of ceramic coating on each sector.

There is consequently no suggestion in Blackwell to apply the ceramic coating to reinforce anything else than the extremities of the individual blades, or sectors, (10), still less as reinforcement of the continuous edge of the blade lying on top of the sectors as claimed.

It is therefore believed that the specific combination claimed in independent claim 16 of “An ink fountain...comprising a blade...wherein said blade rests along a plane [of the sectors] directly on a surface of said sectors...and includes a ceramic deposit to reinforce said continuous edge of the blade” is not suggested by or obvious over the cited prior art and is in consequent in condition for allowance.

As neither Cartellieri nor Blackwell teach the elements of claim 16 of “said ink fountain additionally comprising a blade which is interposed between said sectors and the circumference of the ink fountain roller” or “[a]n ink fountain...comprising a blade...wherein said blade rests along a plane [of the sectors] directly on a surface of said sectors...and includes a ceramic deposit to reinforce said continuous edge of the blade,” when all the words of claim 16 are properly considered, it can be seen that this claim is non-obvious over the cited prior art.

Dependent claims 18-20 were rejected under 35 U.S.C. §103(a) over Cartellieri in view of Blackwell as applied to claims 16-17 and 21 above and further in view of Fischer, U.S. Patent No. 5,662,043, and dependent claim 22 was rejected under 35 U.S.C. §103(a) over Cartellieri in view of Blackwell as applied to claims 16-17 and 21 above and further in view of Moetteli, U.S. Patent No. 4,773,327. As neither of these references remedies the deficiencies noted above with respect to independent claim 16, Appellants believe that these claims are also in condition for allowance.

Independent claim 23 was rejected under 35 U.S.C. §103(a) over Cartellieri in view of Blackwell and Moetteli. Because claim 23 recites elements substantially similar to those discussed above with respect to claim 16, appellants believe that this claim is allowable for the reasons noted above with respect to claim 16.

B. CONCLUSION

For the reasons stated above, the claims are nonobvious over the cited art, and the Examiner's rejections of claims 16-23 under 35 U.S.C. §103(a) should be overruled.

Respectfully submitted,

Daniel Baertschi et al.

By their attorney,

Date:

Aug 03, 2010



Glenn M. Seager, Reg. No.36,926
CROMPTON, SEAGER & TUFTE, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, Minnesota 55403-2420
Telephone: (612) 677-9050
Facsimile: (612) 359-9349

VIII. CLAIMS APPENDIX

16. An ink fountain for a printing machine, having a base with a blade holder, in which said blade holder comprises a number of adjacent sectors which can be moved by adjusting means in order to vary the distance between said sectors and the circumference of an ink fountain roller, said ink fountain additionally comprising a blade which is interposed between said sectors and the circumference of the ink fountain roller and which has a continuous edge intended to maintain a defined ink thickness on the ink fountain roller, the ink thickness being adjusted by said continuous edge of the blade and defined by the position of said sectors, which is transmitted to said blade, wherein said blade rests along a plane thereof directly on a surface of said sectors and is held fixedly with respect to said blade holder and includes a ceramic deposit to reinforce said continuous edge of the blade.

17. The ink fountain as claimed in claim 16, wherein the blade is a metal blade.

18. The ink fountain as claimed in claim 16, in which the blade is screwed into the blade holder.

19. The ink fountain as claimed in claim 16, in which the blade is held on the blade holder by a fastening piece.

20. The ink fountain as claimed in claim 16, in which the sectors are moved by deformation.

21. The ink fountain as claimed in claim 16, in which the sectors are moved by rotation.

22. The ink fountain as claimed in claim 16, in which a deformable plastic is deposited between the sectors to improve the sealing between them.

23. An ink fountain for a printing machine, having a base with a blade holder, in which said blade holder comprises a number of adjacent sectors which can be moved by adjusting means in order to vary the distance between said sectors and the circumference of an ink fountain roller, said ink fountain additionally comprising a blade which is interposed between said sectors and the circumference of the ink fountain roller and which has a continuous edge intended to maintain a defined ink thickness on the ink fountain roller, the ink thickness being adjusted by said continuous edge of the blade and defined by the position of said sectors, which is transmitted to said blade, wherein said blade rests along a plane thereof directly on a surface of said sectors and is held fixedly with respect to said blade holder and includes a ceramic deposit to reinforce said continuous edge of the blade, in which a deformable plastic is deposited between the sectors to improve the sealing between them.

IX. EVIDENCE APPENDIX

No additional evidence has been presented.

X. RELATED PROCEEDINGS APPENDIX

There are no related appeals or interferences.